**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.3040 of 2004

Dated: 16-11-2006

Between:

Davanaboina Pochaiah and others.

**..... PETITIONERS**

AND

The Mandal Revenue Officer, Keesara Mandal,
Ranga Reddy District and others.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE V.V.S. RAO**

WRIT PETITION No.3040 of 2004

ORDER:

This writ petition is filed assailing the notice of enquiry dated 24-11-2003 issued by respondent No.1, the Mandal Revenue Officer (MRO), requiring the petitioners and respondents 2 and 3 to be present on 06-12-2003 before him for enquiry with regard to the property in survey Nos.3 to 5, 659 and 660 admeasuring Acs.27.33 guntas situated at Kapra Village, erstwhile Medchal Taluk, Hyderabad District. This Court, while admitting the writ petition on 20-02-2004, in W.P.M.P.No.4022 of 2004, stayed the enquiry. Respondents 2 and 3 have now come forward with W.V.M.P.No.1908 of 2006 seeking to vacate the interim order. They, *inter alia,* contend that writ petition at the stage of enquiry would not lie. As the controversy is in a narrow compass, the matter is heard finally and is being disposed of at the interlocutory stage.

The learned counsel for the petitioners points out that insofar as the land admeasuring Acs.2.09 guntas in survey Nos.3 to 5 is concerned, MRO has already decided the matter in favour of the petitioners on 15-02-2002. Therefore, there cannot be any further enquiry or repeated enquiry. This matter has to be decided again by MRO, having regard to the nature of enquiry conducted earlier and also having regard to the fact whether notice was issued to respondents 2 and 3 at the time of passing order dated 15-02-2002 in file No.B/4768/2001. Therefore, the petitioners can as well place all the material before MRO and seek appropriate redressal. Mere enquiry by MRO by itself cannot be said to be violation of law.

Therefore, the writ petition is disposed of directing MRO to give fresh notice to the petitioners and respondents 2 and 3 and conduct enquiry within a period of three months from the date of receipt of a copy of this order. No costs.

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**V.V.S.RAO, J**

16th November, 2006

Note: Issue CC in two weeks.

B/o

ghn